

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

DARK CIRCUIT LABS, INC.,

Plaintiff,

vs.

**BLACK SAILS SECURITY LLC, JOHN
CARPENTER, ERIC MISSIMER,
MICHAEL FRANK, and KEITH
HADDOCK,**

Defendants.

Civil Action No.: 1:23-cv-00326-LMB-LRV

ERIC MISSIMER,

Plaintiff,

vs.

DARK CIRCUIT LABS, INC.,

Defendant.

Civil Action No.: 1:23-cv-00476-LMB-LRV

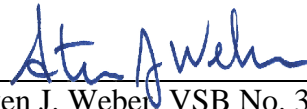
**DARK CIRCUIT LABS, INC.’S MOTION TO CONSOLIDATE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 42(a)**

Plaintiff Dark Circuit Labs, Inc. (hereinafter “DCL”), pursuant to Federal Rule of Civil Procedure 42(a)(2), hereby moves this Honorable Court to consolidate the above captioned actions, *Dark Circuit Labs, Inc. v. Black Sails Security, LLC, et al.*, Civil Action No. 1:23-cv-00236-LMB-LRV, and *Eric Missimer v. Dark Circuit Labs, Inc.*, Civil Action No. 1:23-cv-00476-LMB-LRV, for all purposes including trial. These two actions involve the same litigants, DCL and Eric Missimer (“Missimer”), the same exact counsel for DCL and Missimer, and allegations of

fact that arise out of a common nucleus of operative facts, as well as seek relief that will require conclusions of law that are applicable to claims and defenses in both actions. No party will be prejudiced by the consolidation of these actions. If consolidation is refused, however, the Court and the parties will be severely prejudiced by having to try the same claims and defenses twice, incurring incredibly steep financial costs, and creating the institutional risk of inconsistent rulings or verdict and eroding judicial economy. Pursuant to Local Rule 7(F)(1), a Memorandum of Law in Support of this Motion is filed simultaneously herewith.

Dated: April 12, 2023

Respectfully submitted,



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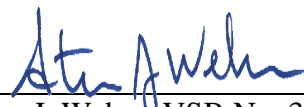
CERTIFICATE OF SERVICE

I hereby certify that, on this date, a true and correct copy of the foregoing Motion to Consolidate, including the Notice of Hearing, Declaration of Steven J. Weber, Esq. with Exhibits thereto, and Memorandum of Law in Support, was served on all counsel of record via ECF as follows:

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Dated: April 12, 2023



Steven J. Weber, VSB No. 35573